

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON ELECTIONS, PROCEDURES, ETHICS, AND
CONSTITUTIONAL AMENDMENTS**

**Seventy-Third Session
May 12, 2005**

The Committee on Elections, Procedures, Ethics, and Constitutional Amendments was called to order at 3:51 p.m., on Thursday, May 12, 2005. Co-Chairwoman Ellen Koivisto presided in Room 3142 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Mrs. Ellen Koivisto, Co-Chairwoman
Mr. Harry Mortenson, Co-Chairman
Mr. Marcus Conklin, Co-Vice Chairman
Mr. Bob McCleary, Co-Vice Chairman
Mrs. Sharron Angle
Mr. Mo Denis
Mrs. Heidi S. Gansert
Ms. Chris Giunchigliani
Mr. Brooks Holcomb
Ms. Kathy McClain
Mr. Harvey J. Munford
Mr. Bob Seale
Mr. Scott Sibley

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Dean A. Rhoads, Northern Nevada Senatorial District
Senator John J. Lee, Clark County Senatorial District No. 1

STAFF MEMBERS PRESENT:

Michelle Van Geel, Committee Policy Analyst
Sarah Gibson, Committee Attaché

OTHERS PRESENT:

Kelly Clark, Chief, Conservation Education Bureau, Nevada Department of Wildlife
Ben Graham, Legislative Representative, Clark County District Attorney's Office, Clark County, Nevada

Co-Chairwoman Koivisto:

[Called meeting to order.] We will start with S.B. 19, Senator Rhoads' bill.

Senate Bill 19: Changes name of Northern Nevada Senatorial District to Rural Nevada Senatorial District. (BDR 17-731)

Senator Dean A. Rhoads, Northern Nevada Senatorial District:

After the reapportionment last year, my district became quite large. It is 75 percent of the state. It has always been called the Northern Nevada Senatorial District. I will show the map to you again. [Did not provide exhibit.] Everything that is green is mine. I have over 73 percent of the state. When I travel down south and to central Nevada, people ask why it is called Northern Nevada, because it is no longer called Northern Nevada. There is a lot of resentment down south and in the central part of the state.

I created the bill and talked to the LCB [Legislative Counsel Bureau] and they came up with the name "Rural Nevada Senatorial Seat." That is basically what it is all about. I would appreciate your support.

Co-Chairwoman Koivisto:

Do you have a plane?

Senator Rhoads:

I used to, but I sold it. It is about 900 miles round trip from Tuscarora, Nevada to Pioche, Nevada. I can go there two ways. I can fly down to Las Vegas and rent a car or drive down. It takes me at least three days—one day for a meeting, one day to drive down, and one day to drive back. It's a problem.

ASSEMBLYMAN CONKLIN MOVED TO DO PASS SENATE BILL 19.

ASSEMBLYMAN SEALE SECONDED THE MOTION.

THE MOTION CARRIED. (Assemblyman Sibley was not present for the vote.)

Co-Chairwoman Koivisto:

Let's close the hearing on S.B. 19 and open the hearing on S.B. 303, Senator Care's bill.

Senate Bill 303: Revises provisions governing persons appointed to National Conference of Commissioners on Uniform State Laws to represent State of Nevada. (BDR 17-1104)

Senator Terry Care, Clark County Senatorial District No. 7:

S.B. 303 is fairly simple; it does two things. Some of you have already heard this because you sit on either Judiciary or Natural Resources. Bills that we know as "uniform acts" come before those committees. There is an organization called National Conference of Commissioners on Uniform State Laws. It has been around for about 114 years. In your legislative careers you have come across uniform acts—uniform arbitration, uniform partnership acts, and all manner of uniform acts. One of the handouts that you have before you ([Exhibit B](#)) shows that in its 114 years of existence, it has promulgated 105 bills that have been enacted in Nevada prior to this session.

The best example I can give you would be the Uniform Commercial Code, Articles 1 through 9. You will probably never deal with it, but you have heard it in all likelihood. The Uniform Commercial Code gives all 50 states an opportunity to enact the same rules of engagement in matters dealing with interstate commerce. The reason for that is fairly simple. If a transaction begins, for example, in Missouri, ends in Nevada, and there is some dispute, everybody is playing by the same rules. That is about as simple as I can make it.

This session, the Assembly has considered revised acts 1, 7, 3, and 4 of the Uniform Commercial Code, as well as something new this year—the Uniform Environmental Covenants Act. That is basically the idea behind the organization.

The National Conference of Commissioners on Uniform State Laws has representatives from all 50 states, the Virgin Islands, Washington D.C., and

Puerto Rico. Some of the states do it different ways. Some of the commissioners are state and federal trial and appellate court judges. Some are law school professors, legislators, and practitioners. Another group is appointed by governors, the state supreme court, or the Legislature. In some states it is a culmination of all three—for example, Minnesota.

[Senator Care, continued.] We meet once a year for 8 days to hammer out and adopt uniform acts. Before it becomes a uniform act, it goes through a drafting process that can be anywhere from two to three years. These drafting committees meet three or four times a year. Ultimately, the final product goes before the full body and it is either adopted or not adopted as a model act. If it passes, the charge for all uniform law commissioners is to go to respective states and attempt to get these uniform acts enacted into state legislation. That is what we do.

All of the appointments in Nevada are legislative. It falls under NRS [*Nevada Revised Statutes*] 219.010. It is a little different in Nevada, because once a legislator becomes a uniform law commissioner, he can remain a commissioner if he wants to do that, even after leaving the Legislature. All uniform law commissioners have to be attorneys. Currently, in Nevada the active legislators who are uniform law commissioners are Senator Amodei, Assemblywoman Ohrenschall, and myself. We also permit members of the Legislative Counsel Bureau (LCB) to be uniform law commissioners in Nevada. Currently, the active members are Scott Wasserman and Brenda Erdoes. If they wish, they are allowed to attend these national conferences and transact the business that I just described.

Here is the problem and the reason for Section 1 in the bill. I introduced Section 1 of this bill because of Frank Daykin. Not all of you know Frank Daykin, but those of you who have been around for a while know that he was the head of our Legislative Counsel Bureau for years. He is an amazing guy and frequently testifies on uniform acts. He is a uniform law commissioner, but he is no longer employed by the LCB. When he goes to the national conference, he foots the bill for his own transportation, room, and board. Because he is a lifetime member, they waive the registration fee. Basically, he goes to this national conference because he enjoys doing it, but he pays for it out of his own pocket. He did not ask me to introduce this legislation, but I thought maybe the time had come to do that. So, that's the purpose of Section 1. It simply says that if you are a uniform law commissioner, you may receive reimbursement if you attend one of these meetings. There is a quid pro quo; you are required to fulfill your duties as a uniform law commissioner. That is contained in NRS 219.020.

[Senator Care, continued.] I will give you a brief idea about what those duties are. A uniform law commissioner must examine the subjects upon which uniformity of legislation in the various states is desirable, confer upon these matters with commissioners appointed by other states, consider and draft uniform laws to be submitted for approval and adoption by the states, and generally devise and recommend such other and further course of action as shall accomplish the purpose of this chapter. At each legislative session, among other things, they must make recommendations to the Legislature. In other words, if you go to the national conference and participate in the adoption of uniform acts, you are expected to come back here and lobby on those same uniform acts. This bill creates a way for someone who is no longer employed by the LCB or no longer a member of the Legislature to still fulfill his duties as commissioner and be reimbursed if the Legislative Commission sees fit. If you go to the national conference and don't come here to lobby the bill, you don't get the reimbursement. That should be understood, and I would put that on the record.

We have a law school now in southern Nevada, the Boyd School of Law. It is part of UNLV. I think the third graduating class will graduate either this month or next month. In many states, uniform law commissioners include members of law school faculty. I discussed this with Dean [Richard] Morgan. There is an email from Dean Morgan dated March 30 ([Exhibit C](#)). The letter is self-explanatory. It explains the prestige and the contributions that can be made by law school professors who are appointed as uniform law commissioners. Under what I proposed in the bill, there would be two from the Boyd School of Law. They would be appointed by the Legislative Commission, certainly upon the recommendation of Dean Morgan or someone speaking on behalf of the law school. Dean Morgan told me that the law school would handle any expenses out of its budget. There is a fiscal note, but that is the way he explained it to me. He would like to see two professors and they would each serve a four-year term. That is basically the bill.

Co-Chairwoman Koivisto:

How many law commissioners does Nevada have?

Senator Care:

That is a good question. In this state, people get appointed and even after they leave the Legislature, they are still on the rolls. For example, Scott Scherer, Dave Brown, and Dave Humke are still on the rolls. It doesn't really mean anything, because they don't attend these national conferences. Their names simply have not been removed. The national organization looks at it this way: if you don't participate, you die. They can remove you; they have just never enforced this. I think the list is actually 10, including those who are active

commissioners. This bill would not apply to people who don't actively participate. They must attend the national conference and then come back to fulfill their duty to lobby these uniform acts.

[Senator Care, continued.] To answer your question, there are about 10 altogether, including 6 or 7 former legislators.

Co-Chairwoman Koivisto:

It's sort of like the Supreme Court; they are there forever.

Senator Care:

We had three of them who would have been up for reelection last year. One died and two of them retired. We don't know if a few of them would have been there forever following what happened two years ago. We will ponder that one forever, I guess.

Assemblyman Denis:

There is no limit to the number of commissioners that we can have?

Senator Care:

The way the statute reads in Nevada, two are appointed from the Senate and two from the Assembly. For reasons that I cannot explain, we get that form at the end of every session where we are asked what interim study committees we would like to be on. I always put down the Uniform Law Commission. I don't know that is even necessary; I seem to get reappointed every two years. Actually, the way the law reads, that wouldn't be necessary. The statute says two from the Senate and two from the Assembly. What seems to happen is once you are appointed, your name stays there unless you volunteer to have it removed. Former senator Mark James is no longer a uniform law commissioner. Once he left the Legislature, he came off.

I would emphasize that this would only apply to those former members who want to continue to participate.

Co-Chairwoman Koivisto:

\$8,000 is the fiscal note. It didn't go to Senate Finance. We could move to do pass and re-refer it on the floor.

ASSEMBLYMAN SEALE MOVED TO DO PASS AND RE-REFER
SENATE BILL 303 TO THE ASSEMBLY COMMITTEE ON WAYS
AND MEANS.

CO-VICE CHAIRMAN CONKLIN SECONDED THE MOTION.

THE MOTION CARRIED. (Assemblyman Sibley was not present for the vote.)

Co-Chairwoman Koivisto:

Let's close the hearing on S.B. 303 and open the hearing on S.J.R. 12.

Senate Joint Resolution 12: Urges President of United States to direct Secretary of the Interior to provide full funding for Clark County Sport Shooting Park. (BDR R-1358)

Senator John J. Lee, Clark County Senatorial District No. 1:

[Submitted [Exhibit D](#).] Previous to this, A.J.R. 6 of the 71st Legislative Session was a bill we brought about four years ago. At that point in time we realized that we had a problem in southern Nevada. When we build the valley out, there will be 3 million people living there. We will have no room for sportsmen to shoot their rifles and guns. Currently, there are over 400,000 registered handguns and 13,000 concealed weapon permits in the valley. There are over 3,000 police officers and armed security people. We have nowhere safe and supervised to sensibly train these people. We were building out so fast that the nontraditional shooting ranges were being encroached upon by houses. It was becoming a very unsafe situation.

I am kind of a nervous guy. If I don't get out in the outdoors, I feel boxed in. I would be out mountain biking and people would be out shooting. It was just too close. We came up with A.J.R. 6 of the 71st Legislative Session, which asked that we release 2,880 acres from public lands distribution. We took some money out of the wilderness study area before that land was sold. That act was in response to the growth in our community. After we did this, the county got the patent on the land and we appointed a citizens' advisory committee. I am chairman of that committee. We have met for two years and have completed conceptual, business, marketing, operating, and financial plans.

We got some money to start building this range. Recently, there is a group created called the Parks, Trails, and Natural Areas Subgroup. When we were going to sell some more land in the valley, the President felt that he needed to balance the budget on Nevada lands. The subgroup eliminated the law enforcement area first. Then they eliminated the park area and recommended

that the project not be funded. It was always our intent to fund this. Once again, there was a diversion of revenues generated from the sales of Nevada public lands from the U.S. Treasury to lower the federal deficit.

[Senator Lee, continued.] I am here today to tell you about this bill. I will be the first to tell you that these resolutions only go about this House. When they go to Washington, people don't read them, but if we don't put these things on record, we will never have the opportunity to say that we were dissatisfied. Senate Joint Resolution 12 just asks Congress and the President to do the things that they said they would do already and to not take away the public lands money to offset the federal deficit. Recreational shooters, police, military, and security personnel need a place to safely utilize their firearms. We thank you for this critical issue. This is only asking for a directive that the United States government follow through with the promises that they made.

I went to Washington and testified. What a glorious experience it was to do that. We have a secret weapon named Senator Harry Reid. He is working very hard to make sure that money is not absconded from southern Nevada. He also needs to have the support of the people of Nevada, the counties, and the State.

Co-Chairwoman Koivisto:

I thought we had this thing 6 years ago. I thought it was a done deal.

Senator Lee:

It is a done deal to a point. The 2,880 acres of public land at the time was worth \$220 million. They gave us the land, which will now be worth over \$1 billion because of the price of land. The other component was funding it. They told Clark County that when we sold future lands in those big land auctions, money would go towards these kinds of outdoor areas, like trails and parks. These things keep people out of wildlife study areas and into areas like this, where they don't damage the outdoors. This just asks them to stick with the plan that they already promised us.

Assemblywoman Giunchigliani:

This is still intended to go next to the BLM [U.S. Bureau of Land Management] land and the state park. The shooting range is northeast of that—above the archeological site—correct? Or is it below?

Senator Lee:

No, you are correct. You know more about it than me. It is above Floyd Lamb State Park. To be a world-class shooting area like we want to build, it has to face the north along the alluvial skirt of the mountain. We are going to build the

most beautiful world-class shooting arena in the world. There will be over 21 disciplines. When you turn on the TV, you will see every national and rural event happening here eventually. It is something you all can be proud of. We will do it right for you, like the airport.

[Senator Lee, continued.] I heard that only 400 acres will be built out, because we need a buffer around the sides and the back of the property. So, 400 of the 2,880 acres will be built out. We have to build fences in such a way that tortoises can still crawl through. We still have to co-exist with the creatures out there.

Assemblywoman Giunchigliani:

There is a new program trying to deal with the building out. They are building underground pathways for the deer, so they are not going across. I hope we would be environmentally sensitive to the animals that are indigenous to the area. I am hoping that they anticipate in the design that there may be burrowing and allow for that rather than forcing them up and over, where it is more dangerous.

Senator Lee:

We worry about the bighorn sheep out there. I am one of those kind guys that believe the spotted owl has to win, too. We all have to live on this earth together. We are going to do everything we can to allow all of us to coexist in that area. We will be very cognizant of the habitat and food for the animals.

Co-Chairwoman Koivisto:

I think the animals will run away when they hear the gunshots.

ASSEMBLYWOMAN GIUNCHIGLIANI MOVED TO DO PASS
SENATE JOINT RESOLUTION 12.

ASSEMBLYMAN DENIS SECONDED THE MOTION.

Assemblywoman Angle:

I am going to have to abstain from this vote. My husband works for the Bureau of Land Management. Although he is not involved in land exchanges or sales, he does work directly with the Division on several occasions. He has asked me not to get involved with anything that has to do with public lands and the BLM. Out of deference for my husband, I abstain from these votes.

Assemblywoman Giunchigliani:

I appreciate that, but by law, we must disclose, but not abstain when it does not directly impact you or influence your vote. I think that is the opposite of what the law is intended to do under ethics. We are required to disclose, but if it does not affect you impartially, you are required to vote.

Assemblywoman Angle:

In response to my colleague, I am not sure that it doesn't directly impact me. That is why I have been abstaining from these. That is exactly where my livelihood comes from. My husband supports our family. We discuss these things at great length in my household. His opinion does color how I think about these things. Therefore, I don't think that I am an unbiased representative of that position. I feel like I have insider information and that does color my vote. I can't impartially represent my constituency, so I just defer to the rest of you for that impartial representation.

Assemblywoman Giunchigliani:

I appreciate that. I don't think statutorily or by law that's the intent when one discloses and abstains, especially on a resolution that has no impact on his job, your job, or anything else. Maybe at some point, not just for you, we can have Legal clarify that.

Kelly Clark, Chief, Conservation Education Bureau, Nevada Department of Wildlife:

We want to support this bill. We have committed \$240,000 through hunter education funds to help get this range up and going, because we believe it is very important to increase firearm safety in the Las Vegas Valley. I just wanted to let you know that the Department of Wildlife has already stepped up, and over the next three years we will be committing \$80,000 per year and then an additional \$80,000 in labor for this project.

THE MOTION CARRIED. (Assemblywoman Angle abstained from the vote. Assemblyman Sibley was not present for the vote.)

Co-Chairwoman Koivisto:

We need to do a BDR request for a new attaché. This is something that has to come from this Committee every time we need new attachés. This will go to the Floor.

- BDR R-1465—provides for appointment of additional attaché (Assembly Resolution 10).

ASSEMBLYWOMAN McCLAIN MOVED FOR COMMITTEE INTRODUCTION OF BDR R-1465 (ASSEMBLY RESOLUTION 10).

ASSEMBLYMAN SEALE SECONDED THE MOTION.

THE MOTION PASSED. (Assemblyman Sibley was not present for the vote.)

Assemblywoman Gansert:

Why do we do that? Doesn't that seem like micromanaging? Is there a reason why we have to do it?

Co-Chairwoman Koivisto:

Rules.

Assemblywoman Giunchigliani:

It's a good question. I have never asked. The chair could do it on the Floor, but it is one of those publicly noticeable things. Technically, Chairwoman Koivisto could have just made the motion once it got to the Floor, but she wanted to make sure that everyone was included in that. I think it is for public notice.

Co-Chairwoman Koivisto:

We are going to go to work session.

Assembly Bill 432: Revises provisions relating to fiscal notes for certain bills and joint resolutions. (BDR 17-893)

Michelle Van Geel, Committee Policy Analyst:

[Submitted [Exhibit E](#).] The first bill on work session is A.B. 432. It was presented to the Committee on April 28 by Assemblyman Hardy. The measure would require State agencies and local governments to include certain additional information in fiscal notes for certain bills and resolutions. There were no formal amendments offered, although you remember the discussion centered on agencies being for efficient in their budgeting and those types of things. I spoke with Legal. Assemblyman Hardy had spoken to them. Some of the amendments

he had proposed were not germane specifically to this bill, so those types of amendments could not be brought.

We will move to S.B. 430. It is the last one in your work session document [Submitted [Exhibit F](#).] Mr. Graham is here to explain it.

Senate Bill 430 (First Reprint): Eliminates authority of Commission on Ethics to seek removal of public officer. (BDR 23-918)

Michelle Van Geel, Committee Policy Analyst:

It was presented to the Committee on May 3 by Mr. Graham from the District Attorneys Association. Ms. Jennings from the Ethics Commission also testified. At the end of your work session document is the proposed amendment ([Exhibit G](#)) from Ms. Jennings and Mr. Graham. This additional handout was just passed out from Mr. Graham ([Exhibit H](#)).

Ben Graham, Legislative Representative, Clark County District Attorney's Office:

The language in the green document is real good and does what I think everybody intended. The description and discussion is a little bit misleading. Rather than simply eliminating the Ethics Commission's ability to remove public officers, we are asking for the repeal of NRS 283.440, which is on the last page of your work session document, then gives the tools of the Ethics Commission to remove officers via NRS 283.300 and allowing them to go to the grand jury, and NRS 283.320, which is the accusation.

The note is misleading. I think it would be more accurate to eliminate removal of public officers under NRS 283.440." The Ethics Commission can utilize NRS 281.551 and NRS 283.300.

There are several ways of removing people from public office—recall, impeachment, accusation through the Ethics Commission, and NRS 283.440, which is what we are asking to be repealed. This provision goes back 100 or more years. Any public officer can find themselves in court in less than 20 days and be removed from office. There are no procedural safeguards and no due process. The District Attorney in Carson City testified that he had a complaint filed against him, which he had to spend a considerable amount of time and money in defense because he didn't file a criminal charge. Three weeks later he got a complaint filed against him because he did file a criminal charge. We are just asking to eliminate this one provision, which really doesn't have any due

process or safeguards. This would give the Ethics Commission a tool to work with too.

Assemblywoman Giunchigliani:
NRS 283.300 is taking its place?

Ben Graham:

It is in here—in the work session document—on page 2 ([Exhibit G.](#))

Assemblyman Conklin:

I am struggling with this as well. What you are trying to do here is take the responsibility away from the court to remove someone from office and leave it with the Ethics Commission, which is designed to deal with such matters.

Ben Graham:

The Ethics Commission would then go to the court. There would be some guidelines and timelines for answering the complaints. There are still ways through NRS 300 and the accusation to go to the court. The way NRS 283.240 [283.440] is written, a person can be out of office in less than 20 days. You might get reinstated, but you have lost your pay and your office has been filled by a substitute. Our people looked at it, and it is just an extremely onerous method and creates havoc.

Assemblywoman Giunchigliani:

I understand what you are trying to say, but I am looking at NRS 283.440, which you wish to strike. Let me clarify, because that also allows the removal of an officer for malfeasance or nonfeasance, and then it has the procedure. If you are switching it to NRS 283.300, that is for the purposes of willful or corrupt misconduct. It does not lay out any timelines. I think that is what you are trying to get at, which is subsection (c) of Section 2 of NRS 283.440. I just wanted to clarify that by eliminating that reference, we are not removing the opportunity for someone to be removed from office simply for malfeasance or nonfeasance.

Ben Graham:

No, we are not. We are substituting in NRS 283.300 so the Ethics Commission can utilize that, as opposed to NRS 283.440.

Assemblywoman Giunchigliani:

It would now say, "...pursuant to an accusation made against certain public officers for willful or corrupt misconduct." It would have said, "...removal from office for malfeasance or nonfeasance."

Ben Graham:

It would repeal that particular section, yes.

Assemblywoman Giunchigliani:

I would argue that we would not want to get rid of malfeasance or nonfeasance. Perhaps we should strike subsections 2 and 3 within NRS 283.440, which is the too timely procedure process.

Ben Graham:

If someone is really guilty of malfeasance or nonfeasance, it is not our intent to eliminate that as a basis for removal.

Assemblywoman Giunchigliani:

I think I know what he is trying to get at, but we are accidentally deleting two areas in which public officers can be removed in trying to get at a lack of due process. That is the only one that seems to spell out a due process.

Ben Graham:

I have wrestled with this, trying to figure out how to put due process and standards in here. It turns out that they are in a couple of other places. To make this one look like we want, it would look like another statute that is already in place.

Assemblywoman Giunchigliani:

You might just want to strike "pursuant to NRS 283.440," and we should repeal subsections 2, 3, and 4. Then you just leave in "...any person now holding or who shall hold an office and who is found guilty of malpractice or malfeasance may be removed therein after prescribed."

Ben Graham:

Let's just make sure that we are not eliminating that as grounds.

Co-Chairwoman Koivisto:

Do you want to hold this one then?

Assemblywoman Giunchigliani:

Yes. I would be happy to work with them.

Co-Chairman Mortenson:

NRS 283.300 does not have the phrase that NRS 283.440 has, saying, "... who refuses to perform any official act in the manner and form prescribed by

law.” That seems to be a good description of something that someone should be removed from office for, yet it is left out of NRS 283.300.

Ben Graham:

The sound reasons for removing someone from office in NRS 283.440 are contained in other provisions, which have some procedural safeguards. The way this statute is written, if I were to complain about an Assemblyman, within 10 days they could be removed from office without any guidelines or basis for that. That is why I want to make sure. I don’t want to eliminate any grounds, but I want to make sure that we have some procedural safeguards.

Co-Chairman Mortenson:

You are talking about the actions that get them out of office. I am just talking about the reasons for getting them out of office. You have left those out. They seem fairly irrational to me. You say they are elsewhere, but we don’t know that.

Ben Graham:

I don’t have the full file here. We testified pretty extensively on this earlier. The example I use is the district attorney. They filed a complaint against him because he didn’t file a criminal charge; the next week they filed a complaint against him because he did. They were both found to be bogus, but there was no procedural safeguard. I would like to work to make sure that we are not eliminating any sound basis for removal from office. If we are, that is not what we are intending to do.

Co-Chairwoman Koivisto:

We will bring this one back at our next work session.

Michelle Van Geel, Committee Policy Analyst:

The last bill on the work session is on page 2 of the white papers ([Exhibit I](#)). It is S.B. 70.

Senate Bill 70: Clarifies authority of Legislative Committee on Public Lands to review and comment on certain matters relating to public lands. (BDR 17-427)

Michelle Van Geel, Committee Policy Analyst:

It was presented to the Committee on March 10 by Senator Rhoads. The measure clarifies that the Legislative Committee on Public Lands may review

and comment on matters relating to preservation, conservation, use, management, or disposal of public lands as deemed appropriate by the Chairman or a majority of the committee members. There were no formal amendments offered.

Assemblywoman Giunchigliani:

I think there were some questions that were asked in regard to the majority of members, but it didn't have a process as to how the members would make that request. It was something like "either by the Chairman or upon notification to the committee members." If there is a request, the majority may send in a letter saying that they want to hear it. There is a missing piece of the process.

Assemblywoman McClain:

I don't remember this, but it does nothing. We already have commissions to advise on all of this stuff. Then it says, "review and comment on any other matters relating to the preservation and conservation of public lands," right?

Co-Chairwoman Koivisto:

I think it was to extend their authority. I am not sure that they had much input on disposal of public lands. I don't think they could change much if someone decided to get rid of public lands.

Co-Chairman Mortenson:

That is a committee that I have never been on. Maybe someone could inform me. When the State decides to get rid of public land, who makes the decision? The Legislature doesn't.

Assemblywoman Giunchigliani:

The State Registrar of Lands makes a decision to sell or not.

Assemblywoman McClain:

This is not referring to State lands.

Assemblywoman Giunchigliani:

If you want to process this, then maybe say, "...review and report to the Legislature." This way we know if they are doing something. We started doing that policywise so they could come back and argue why they should still exist.

We did put sunset clauses on several commissions last session. I would be happy with an amendment. I would amend page 2, subsection (i) to "review and report to the Legislature on any other matter." I would also add a sunset clause

of the commission in four years and they could come back and argue that they should still exist.

ASSEMBLYWOMAN GIUNCHIGLIANI MOVED TO AMEND AND DO
PASS SENATE BILL 70.

ASSEMBLYMAN McCLEARY SECONDED THE MOTION.

Assemblyman Denis:

Do we want them to report to us on everything they are doing, or just on that section that we just covered? It seems to me that this section just covers a small portion of what they do.

Assemblywoman Giunchigliani:

I think they already prepare some kind of a document. They might report to the Legislative Commission.

Co-Chairwoman Koivisto:

I think this is one of those commissions that if you go through the stacks of papers and reports that you have had delivered to your office since you have been here, you would more than likely find some kind of report from the Committee on Public Lands.

Assemblywoman Giunchigliani:

Because this is new territory, I would like to make sure that they are reporting back to us. It would not negate what they are currently doing; it would just verify.

Co-Chairwoman Koivisto:

It looks to me that the bill just really clarifies the authority of that committee. I think we need to have a report back on what this new authority allowed them to do that they couldn't do before.

THE MOTION CARRIED. (Assemblywoman Angle abstained from the vote. Assemblywoman Gansert was not present for the vote.)

Co-Chairwoman Koivisto:

Seeing no further business to come before the Committee, we are adjourned [at 4:50 p.m.].

RESPECTFULLY SUBMITTED:

James S. Cassimus
Transcribing Attaché

APPROVED BY:

Assemblywoman Ellen Koivisto, Co-Chairwoman

DATE: _____

EXHIBITS

Committee Name: Committee on Elections, Procedures, Ethics, and Constitutional Amendments

Date: May 12, 2005

Time of Meeting: 3:51 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
SB 303	B	Senator Terry Care	Number of Uniform Model Acts
SB 303	C	Senator Terry Care	Email from Dean Morgan
SJR 12	D	Senator John Lee	Pamphlet for proposed shooting park
AB 432	E	Michelle Van Geel / Legislative Counsel Bureau	Work Session Document
SB 430	F	Michelle Van Geel / Legislative Counsel Bureau	Work Session Document with discussion
SB 430	G	Michelle Van Geel / Legislative Counsel Bureau	Proposed amendment in work session
SB 430	H	Ben Graham / Nevada District Attorneys' Association	Suggestions
SB 70	I	Michelle Van Geel / Legislative Counsel Bureau	Work Session Document